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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/717,988

11/20/2003

Simon B. Dobson

60130-1967; 01MRA0218

8143

26096

7590

09/26/2006

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EXAMINER

STRIMBU, GREGORY J

ART UNIT

PAPER NUMBER

3634

DATE MAILED: 09/26/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b> 10/717,988	<b>Applicant(s)</b> DOBSON ET AL.	
	<b>Examiner</b> Gregory J. Strimbu	<b>Art Unit</b> 3634	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☒ Responsive to communication(s) filed on 05 July 2006.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 1-14 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1,2,4-9 and 12-14 is/are rejected.
- 7) ☒ Claim(s) 3,10 and 11 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 20 November 2003 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All    b) ☐ Some \*    c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                       | 5) <input type="checkbox"/> Notice of Informal Patent Application                       |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

***Election/Restrictions***

The restriction requirement is moot in view of the cancellation of claims 15-21.

***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1, 2, 6, 8, 9 and 12-14 are rejected under 35 U.S.C. 102(b) as being anticipated by Fukumoto et al. Fukumoto et al. discloses a method for providing a window regulator cable assembly comprising the steps of: mounting a cable drum wheel 15, a first top pulley wheel 7 and a first bottom pulley wheel 8 in a spaced apart relationship to form a subassembly; mounting a cable arrangement 13 to provide a cable run (not numbered, but shown in figure 1) between each of the cable drum wheel 15, the first top pulley wheel 7 and the first bottom pulley wheel 8, wherein at least one of the cable drum wheel, the first top pulley wheel and the first bottom pulley wheel is spaced from another of the cable drum wheel, the first top pulley wheel and the first bottom pulley wheel by at least one semi-rigid tube 11 that surrounds at least one of the cable runs, and the at least one semi-rigid tube is subject to an axial load as shown in figure 2 to maintain tension in the cable arrangement; and mounting the subassembly on a rigid frame 1 to remove the axial load from the at least one semi-rigid tube, the frame 1 includes a first rigid member to which the pulley wheel pivots are mounted

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(claim 9), first and second rigid members 5 and 6 (claim 10), first and second cable runs intersect adjacent the drum wheel 15 as shown in figure 1 (claim 12), a resilient mounted deflector 17. It should be noted that the step of mounting the subassembly includes removing the auxiliary elastic member which releases the axial load from the semi-rigid tube.

***Claim Rejections - 35 USC § 103***

Claims 4 and 5 are rejected under 35 U.S.C. 103(a) as being unpatentable over Fukumoto et al. as applied to claims 1, 2, 6, 8, 9 and 12-14 above, and further in view of Blankenburg et al. Blankenburg et al. discloses a window regulator comprising a cable 5 covered by a tube 8 comprising polyethylene.

It would have been obvious to one of ordinary skill in the art to provide Fukumoto et al. with a polyethylene construction, as taught by Blankenburg et al., to increase the ease with which the window regulator can be assembled to the vehicle door. See column 3, lines 51-58.

Claim 7 is rejected under 35 U.S.C. 103(a) as being unpatentable over Fukumoto et al. as applied to claims 1, 2, 6, 8, 9 and 12-14 above, and further in view of Colanzi. Colanzi discloses a window regulator comprising a cable 16 surrounded by a tube 15 comprising a slot 29.

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It would have been obvious to one of ordinary skill in the art to provide Fukumoto et al., with a drive system, as taught by Colanzi, to enable the window regulator to be mounted to different vehicles.

### ***Allowable Subject Matter***

Claims 3, 10 and 11 would be allowable if rewritten to include all of the limitations of the base claim and any intervening claims.

The following is a statement of reasons for the indication of allowable subject matter: the prior art of record, absent applicant's own disclosure, fails to teach the entire combination of elements set forth in the claimed invention. Specifically, the prior art of record fails to teach the step of removing the at least one semi-rigid tube after the step of mounting the subassembly on the rigid frame. See lines 2-3 of claim 3. Additionally, the prior art of record fails to teach the step of pivotally mounting a second top pulley wheel on a second top pivot, pivotally mounting a second bottom pulley wheel on a second bottom pivot, and mounting the second top pivot and the second bottom pivot on a second rigid member spaced laterally from the first rigid member. See lines 3-4 of claim 10.

### ***Response to Arguments***

Applicant's arguments filed July 5, 2006 have been fully considered but they are moot in view of the new grounds of rejection.

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**Conclusion**

**THIS ACTION IS NOT MADE FINAL.**

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Gregory J. Strimbu whose telephone number is 571-272-6836. The examiner can normally be reached on Monday through Friday 8:00 to 4:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Richard Chilcot can be reached on 571-272-6777. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.



Gregory J. Strimbu

Primary Examiner

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September 18, 2006